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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

HENRY PEREZ,

Plaintiff(s),

v.

ROSS AND NEIL, et al.,

Defendant(s).

2:14-CV-676 JCM (CWH)

ORDER

Presently before the court are the report and recommendation of Magistrate Judge Hoffman. (Doc. # 2). No objections have been filed even though the deadline for filing objections has passed.

Upon reviewing the complaint filed by plaintiff Henry Perez, (doc. # 3), Magistrate Judge Hoffman recommended that the claims arising under the Fifth and Eighth Amendments be dismissed with prejudice for failure to state a claim upon which relief can be granted, (doc. # 2).

This court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s report and recommendation, then the court is required to “make a de novo determination of those portions of the [report and recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1).

Where a party fails to object, however, the court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

1 Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate
2 judge's report and recommendation where no objections have been filed. *See United States v.*
3 *Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the
4 district court when reviewing a report and recommendation to which no objections were made); *see*
5 *also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit's
6 decision in *Reyna-Tapia* as adopting the view that district courts are not required to review "any
7 issue that is not the subject of an objection."). Thus, if there is no objection to a magistrate judge's
8 recommendation, then this court may accept the recommendation without review. *See, e.g.,*
9 *Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation
10 to which no objection was filed).

11 Nevertheless, this court finds it appropriate to engage in a de novo review to determine
12 whether to adopt the recommendation of the magistrate judge. Upon reviewing the recommendation
13 and underlying briefs, this court finds good cause appears to ADOPT the magistrate judge's findings
14 in full.

15 Accordingly,

16 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the report and
17 recommendation of Magistrate Judge Hoffman, (doc. # 2), are ADOPTED in their entirety.

18 IT IS FURTHER ORDERED plaintiff's claims arising under the Fifth and Eighth
19 Amendments are dismissed with prejudice.

20 DATED August 1, 2014.

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23 UNITED STATES DISTRICT JUDGE